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Therapeutics, Inc. and Jayson D.A. Dallas*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE AIMMUNE THERAPEUTICS, INC.
SECURITIES LITIGATION

Master File No. 3:20-CV-06733-MMC

**STIPULATION AND ~~PROPOSED~~
ORDER SETTING BRIEFING
SCHEDULE FOR CLASS
CERTIFICATION, SUMMARY
JUDGMENT, AND DAUBERT MOTIONS
AND OTHER CASE SCHEDULE
MATTERS**

Defendants Aimmune Therapeutics, Inc., and Jayson D.A. Dallas (“Defendants”) and Co-Lead Plaintiffs Bruce Svitak, Barbara Svitak, and Cecilia Pemberton (“Plaintiffs,” together with Defendants, the “Parties”), by and through their counsel of record, hereby stipulate as follows:

WHEREAS, the current schedule in this action sets deadlines for filing opening briefs in support of motions for class certification (March 8, 2024), dispositive motions including summary judgment (June 14, 2024), and *Daubert* motions (June 14, 2024), but does not contemplate a schedule for oppositions and replies to such opening briefs (ECF No. 130);

WHEREAS, given the complexity of the issues that the Parties anticipate will be raised in class certification motions, dispositive motions, and *Daubert* motions, the Parties agree that more time than contemplated under the Federal Rules and this Court’s default briefing schedule is necessary to adequately address the issues expected to be raised in these motions;

WHEREAS, separately, the Parties’ written responses to all interrogatories and requests for admission are presently due on or before March 11, 2024 (*id.*);

WHEREAS, in light of Plaintiffs’ March 8, 2024 deadline to file a motion for class certification, Plaintiffs require additional time to respond to Defendants’ interrogatories and requests for admission;

WHEREAS, pursuant to Local Rule 37-3 any discovery motions are presently due on or before March 18, 2024;

WHEREAS, given ongoing expert discovery, class certification, and other matters in this action, the Parties would benefit from additional time in which to meet and confer regarding (and seeking to resolve) any discovery disputes;

WHEREAS, the Parties request a brief extension of the deadlines to respond to interrogatories and requests for admission and to file discovery motions;

WHEREAS, the Parties met and conferred and agreed to the proposed schedule below for responses and replies to class certification, dispositive, and *Daubert* motions, as well as a brief extension of time for discovery responses and discovery dispute motions;

WHEREAS, the requested modifications and proposed briefing schedule will not impact any other scheduled events in this case, including the current schedule for pre-trial and trial

proceedings;

WHEREAS, the schedule in this action has been modified twice before (ECF Nos. 121, 130);

NOW THEREFORE, the Parties, by and through their undersigned counsel of record, stipulate as follows, subject to Court approval:

1. The deadline for Plaintiffs' motion for class certification shall remain March 8, 2024.

2. The Parties shall serve written responses to all interrogatories and requests for admission on or before March 18, 2024.

3. The Parties shall file any discovery motions on or before April 1, 2024.

4. Defendants shall file any opposition to Plaintiffs' motion for class certification on or before April 22, 2024.

5. Plaintiffs shall file any reply brief in further support of their motion for class certification on or before May 22, 2024.

6. The deadline for any dispositive or *Daubert* motions shall remain June 14, 2024.

7. The Parties shall respond to any dispositive or *Daubert* motion(s) on or before August 5, 2024.

8. The Parties shall file any reply brief(s) in further support of their respective dispositive or *Daubert* motions on or before September 17, 2024.

9. All other deadlines and scheduled events shall remain unchanged.

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Dated: March 6, 2024

Respectfully submitted,

MONTEVERDE & ASSOCIATES, PC

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/s/ Kristin N. Murphy

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PROPOSED ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.* It is further ordered that the hearing on dispositive and/or *Daubert* motions is continued to October 11, 2024.

Dated: March 12, 2024


HONORABLE MAXINE M. CHESNEY
UNITED STATES DISTRICT JUDGE

* To the extent the parties state "the current schedule . . . does not contemplate a schedule for oppositions and replies" (see Stipulation at 1:4-7), however, the Court disagrees (see Amended Pretrial Preparation Order (providing "Daubert/dispositive motions shall be filed no later than May 3, 2024, and shall be noticed for hearing 35 days thereafter"; setting January 25, 2024, as deadline for filing Motion for Class Certification); Second Revised Scheduling Order at 2:20, 2:22); see also Civil L. R. 7-2 (providing for hearing 35 days after filing of motion), 7-3 (providing deadlines for opposition and reply).